

Minutes of a Town Council meeting held on April 19th, AD 2012 at 6:15 o'clock PM in the Town Council Chambers, Town Hall, 40 Commons, Little Compton, RI Members present: Fred M. Bodington, III; Paul J. Golembeske, Gary S. Mataronas and Robert L. Mushen. Absent at this time: Charles N. Appleton, Jr. who arrived at 6:40 PM and Richard S. Humphrey, Town Solicitor who arrived at 6:32 PM.

The Town Council interviewed two candidates for the part time board secretary vacancy. After learning that the hours per month would be somewhere in the neighborhood of 22 – 25 hours the first applicant stated that she would not be pursuing this position. She noted that she was looking for slightly more hours per month than that. Her application will remain on file should a different position become available.

Richard S. Humphrey arrived at 6:32 PM.

The second applicant expressed interest in the position, but did not realize there was day time hours involved for the Building Officials office. She will take this under consideration.

At 6:45 PM the Town Council President polled his fellow Councilors as to their wishes to enter into executive session under RIGL Section 42-46-5(a)(2) litigation – Rudick vs. LC Agricultural Conservancy Trust et als Case No. NC2011-0635. All voted in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen)

Members present for executive session: Charles N. Appleton, Jr., Fred M. Bodington, III; Paul J. Golembeske, Gary S. Mataronas, Robert L. Mushen. Also present: Richard S. Humphrey, Town Solicitor.

The Town Solicitor reviewed Case No. NC2011-0635 with the Councilors.

At 6:59 PM the Town Council President polled his fellow Councilors as to their wishes to come out of executive session under RIGL Section 42-46-5(a)(2) litigation – Rudick vs. LC Agricultural Conservancy Trust et als Case No. NC2011-0635. All voted in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen)

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To authorize the Solicitor or William O’Gara, Esq. to communicate in writing with Kenneth Ayers of RI Dept. of Environmental Management seeking his attendance at a future court session.

A brief recess was taken to allow the video camera to be set up.

The Town Council meeting was called back into order at 7:01 PM with a Salute to the Flag.

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To approve, as written the April 5, 2012 Town Council meeting minutes.

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To approve, as written the March 20, 2012 special meeting for negotiations.

Announcements:

1. Stetson W. Eddy, Esq. has submitted a letter advising the Council of the potential need to seek a further extension of the waiver granted to his client Mr. Robert Mello relating to his coordination of a subdivision and sale of land where he has been granted permission to delay the payment of the property taxes until the recording of the final documents. Mr. Mushen noted this for informational purposes only and will advise his fellow Councilors of his actions at the May 10, 2012 Town Council meeting.

2. The Town has been awarded an emergency management grant for the installation of an automatic transfer switch for the generator located at the Town Hall. This project will be fully funded by the grant.

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file the Building Officials Department Head Report for March 2012.

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To hire Shay Austin-Leary as a part-time secretary and clerical support for the Planning Board, Zoning Board and Building Official with no more than 10 hours per week at a rate of \$14 per hour and no benefits.

Councilor Mushen noted that the Budget Committee wishes to recommend a \$40,000 reduction in the proposed Highway Department Budget for upcoming fiscal year. He believes the Town should consider road resurfacing the next Town road in need in July encumbering both the remaining funds in this fiscal year and funds for the upcoming fiscal year. Roadside mowing was additionally discussed. Comments were made that a used flail mower is potentially available for purchase. Councilor Mushen stated that he is not convinced that a flail mower purchase is in the best interest of the town at this time. No decisions were made regarding the mower availability at this time.

Motion made by Councilor Mataronas, receiving a second from Councilor Appleton, voting in favor (Appleton, Bodington,

Golembeske, Mataronas, Mushen): To advertise to receive bids for spring roadside mowing.

Motion made by Councilor Golembeske, receiving a second from Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To hire Albert J. Duggins as a part-time seasonal maintenance laborer beginning April 30, 2012 with a limit of 10 hours per week at \$13 per hour with no benefits.

Benjamin Emond request permission to clean the historical head stones in the Old Burying Ground as part of his Senior Project required for graduation at Portsmouth High School. He explained that he has consulted a member of the RI Cemetery Commission who is donating the D-2, a biological cleaning agent for the project and has secured Marjory O'Toole of the LC Historical Society as his mentor with the project. After consideration the following was voted: Motion made by Councilor Bodington, receiving a second from Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To grant permission to Benjamin Emond to clean the headstones in the Old Burying Ground as his Senior Project to meet graduation requirements at Portsmouth High School.

Councilor Mushen announced that three (3) firms have submitted proposals for the Recreation, Conservation and Open Space Committee's RFP for a Walkway and Field Improvement Project. The

bids were reviewed by Councilor Mushen, Councilor Golembeske and Patrick McHugh, Chairman of the RCOS Committee and listed as follows:

Jon C Ibbotson Excavating Inc. \$100,733.49

150 Long Highway

Little Compton, RI 02837

YardWorks, Inc. \$106,000.00

1309 Warwick Ave.

Warwick, RI 02888

J.A.M. Construction Co., Inc. \$199,277.00

1700 West Main Road

Middletown, RI 02842

Motion made by Councilor Golembeske, receiving a second from Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To award the bid for the Walkway and Field Improvement Project to Jon C Ibbotson Excavating Inc. in the amount of \$100,733.49 as low bidder and having met all of the bid specifications.

Councilor Mushen informed his fellow Councilors of his direction to the Building Official and Director of Public Works to inquire with the RI Dept. of Transportation as to the potential interest of the town to

obtain Map 29, lot 9 on Willow Avenue immediately adjacent to the State Salt facility. A letter of response has been received from RI DOT and will continue to be discussed. No actions are necessary at this time as this is simply research for future interest.

Representative Edwards requested the Town Council consider supporting House Bill, 2012 H-7036 concerning tolls on the Sakonnet River Bridge. Representative Edwards did not arrive for the meeting. As this matter was considered at the April 5, 2012 meeting the following was voted:

Motion made by Councilor Golembeske, receiving a second from Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file a request to discuss legislation before the House known as H-7036 relating to tolls on the Sakonnet River Bridge.

At 7:32 PM the Town Council sitting as the Board of License Commissioners voted the following:

Motion made by Councilor Bodington, receiving a second from Councilor Mataronas, voting in favor (Appleton, Bodington, Mataronas, Mushen) Councilor Golembeske abstained: To grant a Class F-1 one day Beverage License to the LC Game Club for a clam boil to be held on April 21, 2012 at the John Dyer Road facility.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To supply a copy of a Public Notice received from RI Dept. of Environmental Management, Office of Water Resources to the Maintenance Foreman and Tree Warden concerning a proposed Draft RIPDES Pesticide General Permit for discharges from the application of pesticides.

Motion made by Councilor Mataronas, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file a letter received from the US Dept. of Homeland Security, Region 1, FEMA, Risk Analysis Branch announcing a meeting to discuss the updated Coastal Flood Insurance Rate Maps for Newport County. The Council President will assure someone from the Town attends this meeting.

Motion made by Councilor Mataronas, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To adopt the following resolution:

**RESOLUTION OF THE
LITTLE COMPTON TOWN COUNCIL**

Resolved,

WHEREAS, since the beginning of the recession in 2007, cities and towns in Rhode Island have

faced an annual challenge in balancing revenue and expenses while continuing to provide basic services; and

WHEREAS, cuts in state aid to cities and towns have resulted in reduced services accompanied by higher property taxes; and

WHEREAS, to offset these losses, cities and towns have been asking the state for four years to provide them with the tools to make the spending changes they need to help offset the loss of state revenues and to control ever-increasing pension and post employment benefit costs; and

WHEREAS, recognizing the predicament of municipalities, Governor Chafee has submitted a package of legislation to help municipalities resolve their financial problems and begin the process of recovery and financial stability; and

WHEREAS, the package of bills includes:

- Legislation authorizing “highly distressed communities” to eliminate mandates and affect collective bargaining agreements and binding arbitration (H 8006, S 2826);**
- Legislation reducing disability pensions for employees to 50% of their current pay for those who can perform other employment (H 8011, S 2828);**
- Legislation authorizing cities and towns to limit pension benefits for new and non-vested employees in locally administered pensions to the benefits paid to employees in the state administered municipal system (H 8010, S 2824);**
- Legislation authorizing municipalities with a locally administered pension to suspend cost of living adjustments if the pension is less**

than 60% funded and after certain findings are made (H 8009, S 2825);

- Legislation requiring that all school districts implement a school budget model approved by the commissioner of education and providing that the department of education shall monitor school spending in at risk districts throughout the year (H 8008, S 2823);

- Legislation providing that supplemental appropriations for the payment of past annual school department expenditures would not be included in a municipality's maintenance of effort requirement (H 8012, S 2829);

- Legislation changing the dates and percentages of payments for foundation level school support and approved expenditures and also for payments of distressed community aid (H 8007, S 2827); and

WHEREAS, the Little Compton Town Council believes that passage of this legislative package is in the best interest of the Town of Little Compton.

NOW, THEREFORE, BE IT RESOLVED, THAT THE LITTLE COMPTON TOWN COUNCIL DOES HEREBY SUPPORT THE LEGISLATIVE PACKAGE SUBMITTED BY GOVERNOR CHAFEE TO ASSIST CITIES AND TOWNS AND URGES THE LOCAL DELEGATION TO THE GENERAL ASSEMBLY TO WORK DILIGENTLY FOR ITS PASSAGE.

Adopted this 19th day of April, 2012.

Robert L. Mushen, Town Council President

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To adopt the following resolution:

Town of Little Compton

Resolution of the Town Council

**IN SUPPORT OF A REFERENDUM
RELATING TO THE CODE OF ETHICS**

WHEREAS, the influence of special interests are increasingly providing opportunities for conflict of interest thereby corrupting the process of transparent and accountable governance; and

WHEREAS, current RI Code of Ethics legislation is intended to prevent conflict of interest and promote transparency and accountability in the course of elected and appointed public officials performing their public duties without condition; and

WHEREAS, the Town of Little Compton supports the RI Code of Ethics and the RI Ethics Commission; and

WHEREAS, all elected and appointed officials in the State of Rhode Island including the Town of Little Compton, with the single exception of the RI General Assembly, fall under the jurisdiction of the RI Ethics

Commission for adjudication for non-compliance or violation of RI Ethics; and

WHEREAS, the current proposal for a Referendum to amend RI Code of Ethics legislation would, as it did prior to the Irons Ruling by the RI Supreme Court, again include the RI General Assembly under the jurisdiction of the RI Ethics Commission for adjudication for non-compliance or violation of the RI Code of Ethics; and

WHEREAS, this proposed amendment would enhance/complete the original intent of this statute which is to prevent conflict of interest in the course of elected and appointed public officials performing their public duties without condition; and

WHEREAS, it would consequently contribute toward the improvement of a more transparent and accountable government for both the Town of Little Compton and the State of Rhode Island; be it therefore

RESOLVED, that the Town of Little Compton Town Council expresses its support of the substance, intent and spirit of the proposed Referendum to put before the voters a Constitutional amendment to include the RI General Assembly under the jurisdiction of the RI Ethics Commission for adjudication for non-compliance or violation of the RI Code of Ethics as presented in the Joint Resolutions S-2369 and H-7603, and cause a copy of this resolution to be mailed to Governor Chafee, Senator DiPalma and Representative Dan Gordon.

By Order of the Little Compton Town Council

Robert L. Mushen, President

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To support Senate Bill 2012-S2673 and House Bill 2012 – H7561 that would provide for the use of post office boxes for purposes of acknowledgement of registration or change of address and verification of residence in those cases where the prospective voter does not receive home mail delivery and to transmit the Councils wishes to Senator Fogarty, Senator DiPalma and Representative Gordon.

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file a communication received from the Burrillville Town Council supporting House Bill – H7581 concerning RI Public Transportation funds.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file a resolution adopted by the East Greenwich Town Council supporting passage of Senate Bill 2310 concerning general powers and duties of school

committees.

Motion made by Councilor Mushen, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file a copy of an announcement flyer received from the RI Interlocal Risk Management Trust concerning a Confined Space Safety Workshop, and to authorize the Council President to contact the Trust to see if they have a workshop related to mechanically operated spaces.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file the Nature Conservancy's April 2012 newsletter where the Little Compton Boy Scouts are praised for assisting in hauling 150 black locust boards to help complete the construction of the Dunderly Brook Trail. Councilor Mushen will write a letter to the Troop expressing the Council's gratitude for their community service.

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file the consent calendar as follows:

1. Copies of Resolutions adopted by the Newport School Committee, Foster-Glocester Regional School Committee, East Greenwich School

Committee and the Narragansett Town Council opposing legislation that would mandate expired teacher contracts to continue at existing terms and conditions.

2. Copies of Resolutions adopted by the Newport School Committee, Foster-Glocester Regional School Committee, East Greenwich School Committee and the Narragansett Town Council opposing H-7617 and H-7620 relating to labor relations and employee arbitration

3. Copy of a Resolution adopted by the Narragansett Town Council opposing H-7618 and H-7619 relating to firefighter and police arbitration

4. Copies of Resolutions adopted by the School Committees from Newport, Lincoln, and East Greenwich supporting legislation that would move the teacher layoff notice deadline from March 1 to June 1.

5. Copy of a Resolution adopted by the East Greenwich Town Council opposing legislation that would raise the meals tax

Motion made by Councilor Bodington, receiving a second from Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): That the bills be allowed and ordered paid as follows: \$34,612.31

*** Balance to be paid after removal of Richard S. Humphrey – legal \$2,972.50 is now \$31,639.81**

Rob's Auto Care, Inc. - Maintenance \$95.75

Poland Spring - Town Hall \$36.43

Poland Spring - Maintenance \$27.44

Petro - diesel \$627.77

United Site Services - Transfer Station \$115.00

Richard S. Humphrey - Legal Services other \$2,972.50 * this invoice removed LCACT to pay

Allied Waste - Transfer Station \$5,441.72

NETS Printer Solutions - Assessors \$139.95

Stanley Engineering - Assessors \$1,540.25

MaryJane Harrington - Treasurer \$74.37

Caputo & Wick Ltd. - RCOS funds \$4,970.00

Sakonnet Plumbing & Heating - Maintenance \$65.00

Sakonnet Plumbing & Heating - Wastewater Treatment \$66.20

Tom's Lawn & Garden - Maintenance \$39.46

William Moore - Building Official \$81.59

William Moore - Inspectors \$420.00

Direct Energy - Transfer Station \$44.06

Direct Energy - Public Safety Complex \$735.93

Direct Energy - IOOF \$16.20

Direct Energy - Peckham Lot \$5.68

Rob's Auto Care - Drug Forfeiture \$1,648.96

Verizon Wireless - Drug Forfeiture \$433.56 \$2,082.52

W.B. Mason - Police Dept. \$184.83

Sakonnet Veterinary Hospital - Police Dept. \$390.00

Cox Communication/Internet - Police Dept. \$171.00

Cox Communication/Telephone - Police Dept. \$175.46 \$921.29

Direct Energy - Town Dock \$33.54

Direct Energy - Adamsville Street Lights \$46.72

Direct Energy - Town Hall \$229.18

Direct Energy - Meeting Hall \$8.70

Direct Energy - Cell Tower \$184.74

Sani-Kan - Port-A-Jon \$224.70

Sani-Kan - Port-A-Jon \$90.95

Sani-Kan - Maintenance Dept. \$90.95

Lexis-Nexis - Council \$85.94

Nationalgrid - Cell Tower \$176.00

Nationalgrid - Street Lights \$38.34

Nationalgrid - Town Hall \$196.42

Nationalgrid - I.O.O.F. \$21.57

Nationalgrid - Meeting Hall \$17.01

Nationalgrid - Street Lights - Peckham Lot \$15.16

Nationalgrid - Street Lights \$13.97

Nationalgrid - Town Dock \$33.14

Paychex - Treasurer \$368.02

Verizon - Transfer \$33.87

Verizon - Building Official \$39.79

Verizon - Maintenance Dept. \$32.50

Verizon - Maintenance Dept. \$35.68

Allied - Board of Canvassers \$117.93

General Treasurer of RI - Assessors \$50.10

LGC&D - Audit \$1,640.00

Anthony DeSisto Associates - Legal \$562.50

Newport Nautical Supply Inc. - Harbor Master \$149.75

Madden Electric Co. - Town Hall \$98.71

Madden Electric Co. - Public Safety Complex \$56.25

Wilbur's General Store - Maintenance Dept. \$17.41

Wilbur's General Store - Town Hall \$15.15

Wilbur's General Store - Transfer Station \$2.69

Everlasting Designs - Computer parts \$45.00

Everlasting Designs - Computer website change \$50.00

Everlasting Designs - Computer overage \$1,250.00

Everlasting Designs - April 2012 monthly \$1,600.00

Everlasting Designs - Computer parts \$231.00

Franlart Nurseries Inc. - Tree Committee Funds \$2,000.00

Tiverton Auto Body Inc. - Fire Dept. \$582.08

Vic's Car Washes - Fire Dept. \$9.50

Enos Home Oxygen & Medical Supply - Fire Dept. \$61.00

Mobile Fire Apparatus Repair - Fire Dept. \$1,159.90

Comstar - Fire Dept. \$494.08

Wilbur's General Store - Fire Dept. \$157.30

Cox Communications - Fire Dept. \$157.85

Bound Tree Medical - Fire Dept. \$46.02

Countryside Signs - Fire Dept. \$475.00

Rob's Auto Care - Fire Dept. \$65.06

Rob's Auto Care - Fire Dept. \$370.00

Zoll Medical - Fire Dept. \$387.93

Verizon Wireless - Fire Dept. \$224.10 \$4,189.82

Motion made by Councilor Golembeske, receiving a second from

Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To adjourn at 7:49 PM.

Carol A Wordell, Town Clerk